

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

ORDER

-against-

14-CV-4219 (NGG) (RER)

APPROXIMATELY ONE HUNDRED SIXTY-
EIGHT THOUSAND FIFTY-TWO DOLLARS
AND TWENTY-FIVE CENTS (\$168,052.25)
SEIZED FROM NORTHFIELD BANK
ACCOUNT NUMBER 503501314 HELD IN
THE NAME OF METRO SPORT NEW YORK
CORP., AND ALL PROCEEDS TRACEABLE
THERE TO,

Defendant In Rem.

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NICHOLAS G. GARAUFIS, United States District Judge.

On June 18, 2015, Mahmoud Abdelrahman, the owner of Metro Sport New York Corp., filed a motion to set aside a default judgment, pursuant to Federal Rules of Civil Procedure 60(b)(1) and 6(b)(4). (See Dkts. 10-12.) On July 15, 2015, the Government filed a response in opposition to the motion. (Mem. in Opp'n (Dkt. 15).) On October 7, 2015, the undersigned referred the motion to Magistrate Judge Ramon E. Reyes, Jr. for a Report and Recommendation ("R&R"), pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1). (Oct. 7, 2015, Order Referring Mots.)

On March 16, 2016, Judge Reyes issued an R&R recommending that the court deny the motion to set aside the default judgment. (R&R (Dkt. 16).) Specifically, Judge Reyes determined that a balance of the relevant factors under Rule 60(b)(1), as well as other equitable considerations, "weigh overwhelmingly against vacating default judgment." (Id. at 9.) Judge

Reyes also determined that Abdelrahman had not shown the existence of the limited circumstances that would warrant relief under Rule 60(b)(4). (Id.)

No party has objected to Judge Reyes's R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). (See also R&R at 9-10 ("Any objections to the recommendations made in this [R&R] must be filed with the Clerk of Court . . . within fourteen days of receipt hereof. Failure to file timely objections waives the right to appeal the District Court's Order.")) Therefore, the court reviews the R&R for clear error, and finds none. See Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM) (JO), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); cf. 28 U.S.C. § 636(b)(1).

Thus, the court ADOPTS IN FULL the R&R and, accordingly, DENIES Abdelrahman's motion (Dkts. 10-12) to set aside the entry of default.

SO ORDERED.

Dated: Brooklyn, New York
March 31, 2016

s/Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge